



TOWN OF WATERTOWN
Zoning Board of Appeals
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This Corrected Decision supersedes that certain Zoning Board of Appeals Decision issued on July 16, 2014, recorded at Book 64187, Page 447 and Book 64194, Page 247 with the Middlesex (Southern District) County Registry of Deeds and as Document No. 1680121 and Document No. 1680188 filed with the Middlesex (Southern District) County Registry District of the Land Court (the "Prior Decision") and is being issued solely to correct certain errors that were contained in the Prior Decision. The Prior Decision is hereby released of record and replaced in its entirety by this Corrected Decision.

CORRECTED DECISION

On June 25, 2014 with five (5) members of the Zoning Board of Appeals (the Board) present, case # ZBA-2014-12 (b) SP/SR, Special Permits with Site Plan Review was heard along with companion case # ZBA-2014-12 (a). The meeting was continued to July 16, 2014, where the board made the following decision:

Case#:	ZBA-2014-12 (b) SP/SR (see companion decision ZBA-2014-12 (a))
Subject Property:	202-204 Arsenal Street and 58 Irving Street
Parcel ID:	1037 1 0, 1038 1A B, & 1038 12 0
Zoning District:	I-3 (Industrial) Zoning District
Petitioner(s):	Cresset/WS Venture LLC
Owner:	Cresset/WS Venture LLC c/o Cresset Development, LLC
Zoning Relief Sought:	Special Permit w/ Site Plan Review-§5.01.1(k)2 - Mixed-use development greater than 3 units <i>Subject to §5.07 Affordable housing requirements & §5.01(3)(f)(2) Retail new development</i>
Special Permit Granting Authority:	Zoning Board of Appeals
Site Plan Review Meeting(s):	January 7 & February 25, 2014
Staff Recommendation:	Conditional Approval, May 2, 2014
Planning Board Recommendation:	Conditional Approval, April 9, May 8 and June 11, 2014
Zoning Board of Appeals Decision:	Conditional Approval, June 25 and July 16, 2014
Recorded with Town Clerk:	July 30, 2014 (Corrected October 8, 2014)

I. PUBLIC NOTICE (M.G.L. c. 40A, §11)

A. Procedural Summary

Petition ZBA-2014-12 (a) and companion petition ZBA-2014-(b) SP/SR were heard by the Zoning Board of Appeals on June 25, 2014 and continued to July 16, 2014. As required by M.G.L. c. 40A, sec.11 and the Watertown Zoning Ordinance, notice was given as follows:

- Published in the newspaper of record (Watertown Tab) on April 4 and 11, 2014
- Posted at the Town Administration Building and on the Town Website on March 26, 2014 and again on July 2, 2014
- Mailed to Parties in Interest on March 26, 2014.

B. Legal Notice

“202-204 Arsenal Street/58 Irving Street

*David S. Hall, Hanover R.S. Limited Partnership, 2 Seaport Lane, Boston, MA 02210 herein requests the Zoning Board of Appeals grant a **Special Permit/Site Plan Review** in accordance with Watertown Zoning Ordinance §9.03, §9.05, §9.07, & §9.08 subject to §5.01(1)(k)(2), Mixed Use Development, to construct a 4-story structure with 6,777 s.f. of street front retail with up to a 80 seat restaurant/retail use and separate retail uses. The project also proposes 297 residential units (30 affordable) and a garage with 519 parking spaces. ZBA-2014-12(a)*

*Ed Nardi, Cresset/WS Venture LLC, 120 Water Street, Ste 200, Boston, MA 02210 herein requests the Zoning Board of Appeals grant a **Special Permit/Site Plan Review** in accordance with Watertown Zoning Ordinance §9.03, §9.05, §9.07, & §9.08 subject to §5.01(1)(k)(2), Mixed Use Development and §5.01(3)(f)(2) Retail, to construct a 33,157 gross s.f. retail structure with 108 parking spaces and signalized entrance from Arsenal St. The projects also propose to build a public multi-use path on-site along the subject property on Arsenal St and provide publically accessible open space (Franklin St rain garden) and pedestrian paths around the perimeters of the site with a pedestrian connection to Birch Rd. I-3 (Industrial) Zoning District. ZBA-2014-12(b) in conjunction with Mixed Use project ZBA-2014-12(a).”*

II. DESCRIPTION

A. Site Characteristics

The site is a combination of parcels that have been merged/subdivided to allow a substantial frontage on Arsenal Street where prior access was from Irving St and Birch Rd. The site is now comprised of two lots (Lot A is 274,135 s.f., and Lot B which is 39,910) as well as a perpetual easement (Lot C with 28,190 s.f) for parking and access for Lot B and 56-60 Irving St (Pirolli Site).

Along Arsenal St, there currently is a car dealership (Peter Fuller) with a small one-story building with no setback from the street. Parking for the dealer is located along either side with some shade trees but little other screening. A large billboard is also located on/adjacent to this site. To the east, there is a vacant and dilapidated brick one-story building. Adjacent to that building is a curb opening that now allows access to the former Ionics site over an old rail right of way (currently being used to store vehicles).

The former 130,364 s.f. Ionics building had no access to Arsenal Street, but had two access points with a truck access across an easement over the Pirolli property from Irving Street and a vehicle access from Birch Road. The building has a front façade facing toward Birch Road with substantial and dilapidated parking located along the ‘front’ and side of the lot. There is a periphery lot that is located in an area adjacent to Franklin St. The site has a substantial amount of pavement (currently 92.7% impervious) with some unmaintained landscaped islands within the parking areas.

Currently, the site has non-conforming frontage, front and side yard setbacks, impervious coverage, and open space.

B. Surrounding Land Use

The project site is located less than a half-mile from the center of Watertown Square on the Arsenal St corridor. This area has a mix of uses and building types with more vehicle-centric businesses like tire/repair centers and auto body uses occupying several sites to the west and east of the site. Larger commercial/industrial office buildings are located directly to the east of the site. The Pirolli & Sons Building Supplies brick/block contractor yard is directly to the west of the site. Residential neighborhoods are located to the north and south of the site with a mix of primarily single and two-family uses (and occasional 3-4 families). The Perkins Campus is located one block further south, which is adjacent to another one and two-family neighborhood. The Charles River is also located less than three blocks to the south and provides many amenities within the greenway corridor. The site is located within walking distance of several bus lines and has access to Watertown Square/Yard bus hub.

C. Nature of the Request

There are two components of the request with separate buildings on lots under separate ownership. The first component of the development is a four-story mixed-use structure with 6,777 s.f. of street front retail and 296 residential units (30 affordable will be provided). The retail space is designed to accommodate an 80-seat restaurant use and one or more separate retail uses along Arsenal Street. The site will have some surface parking spaces and a garage to accommodate 519 parking spaces. The plans also retain on street parking to serve the retail uses.

A second retail component of the mixed-use development is dependent upon an approval of the residential mixed-use component of the project. Without the residential component, a retail only project would not be considered a mixed-use development. The retail space is proposed to be within a 33,157 s.f. structure adjacent to the residential mixed use building and would provide a separate 108 parking spaces below grade. The parking would be accessed by a new signalized entrance from Arsenal Street.

The project also proposes to build a public multi-use path on-site along the subject property on Arsenal Street (with connections to the east) and provide publically accessible open space (Franklin Street rain garden) and pedestrian paths within the site with a pedestrian connection to Birch Road.

III. PUBLIC COMMENT

DCDP staff was informed that the Petitioner held several community meetings where public comment was received, although staff was not in attendance at all meetings.

Community meetings by the petitioners included:

- February 6th - town wide community meeting held at the Library
- February 18th - town wide meeting coordinated through the Beacon Park/Arsenal Street neighborhoods at the Library
- March 13th - town wide meeting coordinated through the Franklin/Washburn/Birch area neighborhood at the Library

Several neighborhoods also held meetings to discuss the project independent of the Petitioners' community meetings.

The Planning Board scheduled a public hearing on April 9, 2014, which was continued without action to May 8, 2014 to allow the Petitioner more time to complete the required studies. The Planning Board held a substantive public hearing on this case on May 8, 2014, which was continued to June 11, 2014. On June 11, 2014, the Planning Board recommended that the Zoning Board of Appeals approve the request with several conditions.

The Zoning Board of Appeals held a public hearing on June 25, 2014. The board requested more information be provided and continued the hearing to July 16, 2014.

Below is a summary of public comments:

- Concerns about traffic congestion, circulation patterns around the site
- Concerns about potential traffic impacts to Irving Street
- Concerns about impacts to Beacon Park
- Concerns about transition to and integration with the abutting residential neighborhood: Project is not consistent with existing settlement pattern, type or scale
- Improve pedestrian/bicycle access to and around the site; Make it a primary feature of the project
- Concerns about the length of Eastern façade: 300+ feet long with no variation
- Use of Low Impact Design (LID) stormwater management is positive
- Council President Sideris noted the project represented quality economic development
- Councilor Corbett noted the mixed use and that the project represented a substantial increase in affordable residential units
- Councilor Dushku noted the mixed use and LID as benefits; suggested Petitioner establish a Transportation Demand Management program; recommended rooftop solar study.
- Concern that Petitioner's offer of adding a notch in the building along the East abutting property line may not be enough to break up façade length
- Concern for further façade treatments to create variation in the façade length
- Concerns from abutting property owners about circulation patterns around the site and in connection with adjacent sites/development
- Potential addition of a supermarket and restaurant to neighborhood is positive
- Positive reaction to Petitioner's offer to close off access to Beacon Park from Arsenal Street

IV. ANALYSIS AND FINDINGS

The two component parts of the request are being considered together as a mixed-use development/site but voted upon by the Board separately. On-site and off-site improvements will be included in the overall development, as identified in the control plans and findings. The project components include:

1. **Residential Mixed-Use Component** -ZBA-2014-12 a - to construct a 4-story structure with 6,777 square feet of street front retail with up to a 80-seat restaurant/retail use and separate retail uses. The project also proposes 296 residential units (30 affordable) and a garage with 519 parking spaces
2. **Retail Component** - ZBA-2014-12b - to construct a 33,157 gross square feet retail structure with 108 parking spaces and signalized entrance from Arsenal St. (requires approval of the residential mixed-use component)

FINDINGS

A. PLAN CONSISTENCY

The following provides an overview of the Town's adopted and draft plans that relate to this project location and uses.

Met: The proposed development is consistent with the Town's adopted planning documents.

1. Watertown Growth Management Plan, 12/01/1988

- Maintain and strengthen traditional neighborhoods by redirecting growth toward older industrial areas
- I-3 Zoning District is the planned "new neighborhoods"... moderate to higher density with a retail/service component...

The project is consistent with the goals above, in that it incorporates first floor commercial space and proposes a mix of higher density residential development. The retail component is also located in an area that supports demand from the neighborhood and the new development.

2. Watertown Community Development Plan, 07/2004

- Make Watertown Square a lively destination for the community
- Create a more attractive environment for walking, browsing, and shopping
- Attract businesses that will increase foot traffic
- Explore mixed-use developments that will increase housing while strengthening commercial areas

This project supports these goals, although this area was not specifically identified in the plan, it is a short distance from Watertown Square and multiple retail choices within walking distance will strengthen the business environment in the Square, as well. Also, having destinations within walking distance may encourage a walking and browsing environment to connect the Square and the regional retail and commercial areas along Arsenal Street.

3. Strategic Framework for Economic Development, 08/02/2011

- The 'Union Market' area (spanning the north side of Arsenal Street from School Street to Irving Street) was identified as one of five key redevelopment

opportunities with specific target industries including mid-size and larger information technology and advanced manufacturing firms. ?

- The Ionics area was identified as a large but awkwardly situated site with substantial barriers to redevelopment and subject to pressure for automotive and ‘big-box’ development. “The fragmented properties, grade changes, and narrow sidewalks have created little opportunity for this site to take advantage of its proximity to the Charles River and the Perkins Campus.”

This project provides substantial negotiations between landowners which has allowed reconfiguration of the two largest sites in this area. The land swaps and reconfigured easements allow the former Ionics site to have a substantial frontage on Arsenal Street, which allows the grade change to be used advantageously. The frontage also allows a more successful retail option not possible at the time this Economic Development study was completed. Although this area of the ‘Union Market’ is now being proposed for residential and retail, the rest of the area is being recommended to be preserved as commercial and R & D. The residential development will provide housing to support economic development efforts along the Arsenal Street corridor, including the Arsenal on the Charles and adjacent ‘Union Market’ sites to the east.

4. Watertown Community Path | Linking Watertown’s Past to its Future, 5/7/2010

- Develop cycle track and extended sidewalk on the northern side of Arsenal Street from School Street to Irving Street

This project provides a substantial section of the community path along the property and also proposes to connect it to the segment along 330 Arsenal Street, which Lexus built and is building to the east.

5. Draft Comprehensive Plan, in progress, 2014

Although not yet adopted, the draft Comprehensive Plan Land Use element envisions a dynamic mixed use corridor for Arsenal Street. The result will improve the streetscape, activate the sidewalk, and provide opportunity sites for redevelopment. Accordingly, the draft land use map shows this property to be a residential mixed-use area.

B. SPECIAL PERMIT WITH SITE PLAN REVIEW §5.01.1(k)2 - Mixed-use development greater than 3 units

Projects must meet the four conditions of approval for a Special Permit set forth in §9.05(b), §9.07, §9.08 of the WZO. In addition, the project are subject to the review procedures under §9.03 Site Plan Review of the WZO, in which the ten criteria listed in §9.03 (c) must be evaluated.

Special Permit Criteria §9.05(b)

1. The specific site is an appropriate location for such a use, structure, or condition.

Conditionally Met: The development proposal is an appropriate use and will fit within the specifications for a mixed-use development within the I-3 Industrial Zoning District. The I-3 Zone was developed to allow an increase in economic vitality and to allow a significant portion of new residential development to be within this district. The project will have a total gross floor area of 391,300 square feet (excluding parking) with 9.5% total retail (no more than 20% of the gross floor area can be retail), meeting with the objectives of the district. The project also provides the required 10-foot landscaped setback from the front property line where publically available open space (Community Path) is proposed.

The project will be under two ownerships when completed and separate decisions will be required. The residential mixed-use project is necessary for the commercial component to be classified as mixed-use.

The project has consolidated and created a substantial frontage along Arsenal Street and proposes replacing the existing dilapidated structures on the site with a proposed vertical/horizontal mixed-use retail space and residential development. The site will be remediated to remove contamination to allow residential development and newly created open space.

The project design includes a mix of brick, cast stone, metal panels, and fiber cement. The retail areas along Arsenal Street will have dark brick above a cast stone base with corners in metal paneling and the residential areas will have a dark brick above with a light brick base. The rear of the property has the same brick residential component facing Birch Road. The larger facades facing east and west with less visibility will use fibrous cement clapboard and paneling in-line with larger scale residential development.

The proposed mixed-use project will create a more pedestrian friendly corridor with a newly created retail node that provides a destination, making a better connection between the retail found within Watertown Square and the regional retail located further east on Arsenal Street. The mixed-use development creates retail options for the existing neighborhoods and new residential development being built as part of the project can help create a more successful retail node for the existing commercial uses directly to the east of the site.

The proposal also provides off-site improvements to minimize the impact to the transportation network and to allow continuation of the Watertown Community Path from the Lexus site to Irving Street. Parking is located within a structure to minimize the presence and visual clutter of vehicles at the street front.

2. The use as developed will not adversely affect the neighborhood.

Conditionally Met: The proposed development will not adversely affect the neighborhood by eliminating the blighted industrial style building and use with surface parking and replacing it with a mix of uses that are less impactful. The existing industrial manufacturing use had multiple shifts of workers following a 24 hour a day, 7 day a week schedule with substantial traffic through the residential neighborhood to the north of the site. Although the site is currently vacant, the current building could still accommodate a mix of industrial uses.

The project will replace the previous non-conforming use and the deteriorated and empty commercial buildings along Arsenal Street, improving the views into the site. The replacement buildings are more substantial than some of the surrounding structures but provide a mix of uses with added amenities and a more architecturally pleasing appearance. The development would also introduce a passive park that will serve as a rain garden for stormwater improvements and will be open to the surrounding neighborhood. The site will have substantial landscaping to help soften the architecture/massing and will provide screening from the surrounding neighborhoods. The project proposes north-south pedestrian connectivity to minimize the need for vehicle trips between the neighborhoods to the north and the Arsenal Corridor. The petitioner has also stated that they would construct modifications to limit vehicle access from Arsenal Street and Beacon Park, if the Town

decides to close this access. The project also proposes to create a section of the Watertown Community Path and will provide widened sidewalk areas in front of the retail storefronts.

The buildings are shorter in height than allowed by the WZO, which will decrease the mass from the neighborhood, and is also at a lower grade than the abutting neighborhood, which further reduces the visual impact to the surrounding properties. The façade has a variety of setbacks to increase interest and the design does not include residential on the ground floor adjacent to Arsenal Street. The project has also been stepped back in proximity to Birch Road to decrease the mass adjacent to the neighborhood to the north.

The proposed development would also improve the site's impact on the Charles River by managing stormwater runoff on-site and increasing site infiltration by managing how impervious surfaces are treated.

3. There will be no nuisance or serious hazard to vehicles and pedestrians.

Conditionally Met: Three access points (Birch, Irving, and Arsenal) are proposed to be replaced with two controlled intersections located on Arsenal Street. The project proposes a private way on the eastern side of the site for access to the residential and mixed-use retail area from Arsenal Street, updating and including the new private way in an offset four-way intersection shared with Beechwood Avenue. The eastern drive also provides emergency access around the perimeter of the site to the western private way. An easement is proposed to allow public pedestrian access for the eastern corridor as well as access to Birch Road through the use of a series of ADA accessible ramps. This pedestrian access wraps around the rear of the site and leads to a passive park space. The petitioner has agreed to make a connection from the pedestrian path to the adjoining property to the northwest (R Washburn/Franklin) and/or to Franklin Street (The petitioner stated that they would attempt to work with the property owner to acquire an easement directly to Franklin St.) The drive which wraps around the property is only to be accessed for emergencies, move-ins and deliveries, so the area should be clearly delineated and use pervious materials for its construction (also discussed in the Site Plan Review Criteria).

These northern connections are important to create pedestrian/secondary passageways for access to transit, emergency egress, and will allow better pedestrian connection from the site to the neighborhoods and community amenities to the north. A condition of this approval will be that these connections and any required easement language be created to provide access to the north and around the entire site.

The project proposes a new western access with two lanes out and one lane in. This access is designed to be used by the retail component of this project, as well as the Pirolli (rear of Arsenal and Irving Streets) property to the west. The petitioner has also stated that this access could be available for the Webster (rear of Parker and Philips Streets) property to the rear. The plan for a consolidated access point to Arsenal Street at this location is important to remove traffic from the neighborhood and to allow the opportunity for redevelopment focused toward Arsenal Street. The rear Washburn/Franklin site to the north would also benefit from a southern connection, to minimize the impact of the historically industrial lands directly adjacent to that neighborhood. There is a constricted point at the intersection of the retail, mixed-use, and the Webster property where a cross property easement could be created to allow better emergency and pedestrian access. As currently designed, the proposed layout of the driveway/road does not include pedestrian accommodations on either side. Without the pedestrian connection, the access to the site is impacted. To address this impact, a

condition of this approval will be that pedestrian accommodations be provided along the western private driveway/road and the pedestrian connection shall follow the general route of the emergency easement into and through the eastern mixed-use component of the site, connecting to the current pedestrian route at the rain garden.

Traffic Review and Findings:

For the traffic study, the project expanded the scope to include redevelopment and access on to Arsenal Street for the Pirolli site to the east and the Webster site to the north. The combined development estimated 40,000 of retail (30,600 is now proposed), an additional 6,000 retail (on-site retail is proposed at 6,777 square feet), and 43,000 of off-site retail including future retail of 15,000 on the Pirolli site and 29,000 of retail on the Webster Site (Indoor Playground, etc.) In addition, 307 on-site residential units were considered (296 now proposed) as well as 302 units on the Pirolli site (288 units currently submitted for Site Plan Review).

The combined build out is expected to generate a total of 8,840 new trips total weekday and 11,249 new trips total weekend. The build out would generate:

- Peak Weekday AM - 420 new vehicle trips (147 in and 273 out)
- Peak Weekday PM – 714 new vehicle trips (408 in and 306 out)
- Peak Saturday Midday – 791 new vehicle trips (413 in and 378 out)

To determine the impact to the surrounding street network, the project considered a study area that included three intersections on Arsenal Street at School Street, at Beechwood Avenue, and at Irving Street. The project also included North Beacon Street at Beechwood Avenue and the Mt. Auburn Street intersection with Irving Street. The initial findings of the petitioner's traffic engineer suggest that intersections beyond this study area would be minimally impacted. The traffic study identified that there was ample capacity at the study area intersections to accommodate the proposed development with the implementation of some key improvements. To ensure that the study considered all impacts, the petitioner also contributed to a third party review using the Town's on-call transportation engineer (WorldTech). The resulting peer review suggests modifications to the street layout/improvements and an expansion of the improvements beyond the study area to ensure that intersections and multi-modal impacts are addressed.

- **Proposed traffic improvements, including Town suggested modifications:**
 - Installation of fully actuated signal on Arsenal Street at west drive and installation of signal at east drive to be included with existing Beechwood Avenue signal
 - Update existing equipment at Irving Street and Beechwood Avenue to allow synchronization
 - Restripe intersection at Irving and Arsenal to allow dedicated left/through/right turning movements, as well as widening and striping along Arsenal Street (to be modified as specified by DPW/Peer Review)
 - New widened sidewalk and community path along the entire frontage of the site as well as property to the east (driveway intersection should be at grade with pedestrian and bicycle accommodation with appropriate striping and signals). Widening the path on the adjoining property will decrease lanes to 12' each direction per DPW review.

- **Aspects requiring further review:**

- It is suggested that there will be a decrease in traffic on Parker and Phillips due to access of Webster Property from westerly driveway (This agreement should be finalized)
- MBTA transit stops need to be relocated to allow safe and proper access
- Connection of proposed section of community path across VHB controlled property to Lexus segment toward the east
- Watertown Square wayfinding, striping, and signal contribution (reasonable share of needed improvements)
- TMA (Transportation Management Association) – The Board recommends that a TMA be created or an existing program be expanded. The Petitioners will contribute to this in order to provide improvements to the transportation operations within the corridor, including financial contributions in a proportionate share.

4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

Conditionally Met: The proposal will be required to meet all building, health, and safety requirements.

The majority of the project parcels have negligible stormwater management in place. The proposed redevelopment will manage most of the stormwater with four deep sump/hood catch basins, roof drains and Stormceptor units to sub-surface infiltration basins. In addition, the Petitioner has proposed a Low Impact Design (LID) “rain garden” to be located in the Northwest corner of the site. The design will require a final review and approval of the proposed system by DPW.

Sheet C-111, *Site Layout Plan*, of the Control Documents, shows the locations of the transformers for the Hanover/residential portion of the project. This Plan also has what appears to be a transformer called out for the proposed adjacent retail component, shown as a blank square box to the East of the trash compactor. This location is not optimal, given that the location is likely to impact the emergency access/egress lane around the combined property. The location and screening for this transformer shall have DCPD staff review and approval.

The Petitioner has stated that all utilities to and on the site will be underground and that sanitary sewage will connect to an existing sewer line.

Sheet C-111, *Site Layout Plan*, of the Control Documents, shows one compactor to be located behind the proposed freestanding Retail component. No other solid waste disposal components are shown on the Control Documents, including the method of trash disposal for the residential units.

The Petitioner offers several amenities for residents of the mixed-use component. This includes indoor activities to be provided in the building labeled “*Leasing Office/Amenities*” on Plan Sheet L1.00. There are also outdoor amenities to be provided within the two Courtyards on Sheet L1.00, including a barbeque area, fire pit, swimming pool, and outdoor seating areas.

The Petitioner has provided a detailed Landscape Plan (Sheet L1.00). The Board recommends as a condition of approval that Watertown's Tree Warden, in conjunction with Planning Staff, review the landscape plantings for species appropriateness and mix, size, quantity and spacing prior to final approval.

Exterior Lighting is addressed in detail below in the Site Plan Review Criteria under the Design criterion. The project includes two types of landscape up lighting that are not fully shielded/full cutoff. Also, fixtures coded E2 and EF (Sheet L1.02 and L1.04) are not fully shielded/full cutoff. The Board recommends as a condition of approval that the Petitioner provide alternate light fixtures that are fully shielded/full cutoff.

Site Plan Review Criteria §9.03 (c)

Prior to the official filing of the Application, Site Plan Review Committee meetings were held on January 7, 2014 and February 25, 2014. Present at the meeting were members of the Site Plan Review Committee (consisting of Town Staff and committees) and the Petitioners, who presented the proposal, after which members of the Committee were invited to respond with questions, comments, and suggestions. The Board has reviewed the ten criteria for Site Plan Review provided in §9.03(c) of the WZO and incorporated committee comments where appropriate. The following are the findings as identified through analysis of the updated project and the initial committee review:

1. Preservation of Landscape: *"The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Adequate landscaping shall also be provided, including screening of adjacent residential uses, provision of street trees, landscape islands in the parking lot and a landscape buffer along the street frontage."*

Met: The previous use of the two parcels to be combined included a substantial amount of asphalt pavement, which confined the existing landscaping low-growing bushes, Arbor Vitae, and parking lot trees. There currently are a few weed trees along the property lines. As shown on the landscaping plan (Sheet L1.00) the Petitioner proposes to provide significant landscaping on the site, including a large landscaped "rain garden" drainage feature in the Northwest corner of the property. The Petitioner has also provided tree boxes along the Arsenal Street frontage. The landscaping plan also includes screening of adjacent parcels to the back of the property with a landscaped buffer and a 7-foot high wooden stockade fence around the entire site. The plan shows the fencing continuing across the emergency egress in the northwest corner. This section of the fence will need to be removed to maintain the access point and should be useable by pedestrians.

2. Relation of Buildings to Environment: *"Proposed development shall be integrated into the terrain and the use, scale and architecture of existing buildings in the vicinity and shall be in accordance with the Comprehensive Plan or other plans adopted by the Town guiding future development. The Planning Board may require a modification in massing so as to reduce the effect of shadows on abutting property in all districts or on public open space."*

Met: The project is consistent with this criterion, in that it incorporates first floor commercial space and proposes a mix of higher density residential development. The retail component is also located in an area that supports demand from the neighborhood and the new development. The project is less than the allowed five-stories and because of the site and grade change to the north and south; it has the appearance of a three-story structure from Arsenal Street and from the

neighborhood to the north. The petitioner redesigned and removed several units on the top floor near Birch Road to limit the massing from this view corridor.

3. Open Space: *“All open space required by this Zoning Ordinance shall be so designed as to maximize its visibility for persons passing the site, encourage social interaction, maximize its utility, and facilitate its maintenance.”*

Conditionally Met: As noted in Section IIA: *Site Characteristics*, the majority of the two sites to be combined for the proposed development are currently developed with existing structures or asphalt pavement. As such, the proposed redevelopment will increase the amount of open space on the sites, through creation of landscaped areas around the property boundaries. The rain garden area is also adjacent to the neighborhood to the rear and has several potential access points from the neighborhood to allow publically useable space on site. The site also proposes to create permanently accessible open space along the entire frontage of the site. Most of this space will be dedicated to the Watertown Community Path and sidewalk.

4. Circulation: *“Special attention shall be given to traffic circulation, parking areas and access points to public streets and community facilities in order to maximize convenience and safety of vehicular, bicycle and pedestrian movement within the site and in relation to adjacent streets.”*

Conditionally Met: As shown on the *Conceptual Improvement Plan*, Sheet 1, by Ron Muller & Associates, dated 3/26/14 in the Control Documents, vehicular access to the site will be via two access driveways, both with new signalization. The first access will be just West of Beachwood Avenue, and the second access drive will be just west of Beacon Park. The second access drive is to be 42 total feet wide, with two 12-foot egress lanes to accommodate left or right turns onto Arsenal Street and one 18-foot ingress lane. The total parking for the site according to the Petitioners is 627 spaces (108 spaces on west parcel and 519 spaces on east parcel), the majority of which is to be provided as structured parking (587).

§607(a)(1) requires a Petitioner to provide *“one bicycle parking space for every 15 automobile spaces, with a minimum of 4 and a maximum of 50...”* According to the Petitioner, 43 bike parking spaces will be provided, which is in excess of the required number ($627 \text{ vehicle spaces} / 15 = 42$). The Landscaping Plan (Sheet L1.00) shows a location to the West of the proposed Retail space for a bicycle rack with 18 spaces. This same Plan sheet shows a location inside the proposed garage labeled “bicycle storage,” but does not call out the number of proposed spaces. Based on this, the Planning Board recommends conditional approval subject to:

1. The Petitioners providing updated Control Plans that show the required number of bicycle parking spaces (at least 42). The Bicycle & Pedestrian Committee suggests one space for every unit. The Planning Board also recommends that, in addition to this, there be an option for securable hanging spaces in front of parking space within the garage.
2. The Petitioners providing the specifications of the bicycle parking as required by §607(a)(2) or ring and post

5. Surface Water Drainage: *“Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Proposed developments shall seek to retain storm water runoff on site to the maximum extent possible, incorporating best practices in storm water management and Low Impact Design techniques. In cases where storm water cannot be retained on site, storm water shall be removed from all roofs, canopies and paved areas and carried away in an underground drainage system.”*

Met: The proposed development would improve the existing conditions, as there currently is minimal stormwater management at the site. The proposed redevelopment will manage most of the stormwater with four deep sump/hood catch basins, roof drains and Stormceptor units to sub-surface infiltration basins. In addition, the Petitioner has proposed a Low Impact Design (LID) “rain garden” to be located in the Northwest corner of the site. The open space areas of the site will improve the cover type to retain runoff and an infiltration system is proposed to collect all roof and other impervious surface runoff. Peak rates of run-off are better than pre-development conditions and minimize impacts to the Town’s stormwater system. The design will require a final review and approval of the proposed system by DPW.

6. Utility Service: *“Electric, telephone, cable TV and other such lines and equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.”*

Conditionally Met: The Petitioner has stated that all utilities to and on the site will be underground and that sanitary sewage will connect to an existing sewer line. The project will relocate and provide easements for any existing facilities that currently are under existing buildings. Sheet C-111 of the Control Documents (3/31/14) shows one compactor to be located behind the proposed freestanding Retail component. No other solid waste disposal components are shown on the Control Plans, including the method of trash disposal for the residential units. Sheet C-111 of the Control Documents indicates three (3) electric transformers will be placed behind the proposed parking garage, near the rain garden drainage basin. Based on this conditional approval should be subject to provision by the Petitioner of updated Control Plans and a narrative that describes the method of solid waste disposal from all proposed buildings, including all residential components.

7. Environmental Sustainability: *“Proposed developments shall seek to diminish the heat island effect; employ energy conscious design with regard to orientation, building materials and shading; utilize energy-efficient technology and renewable energy resources; and minimize water use.”*

Conditionally Met: The Petitioners have reduced the amount of impervious area on the existing sites by providing the majority of the parking spaces in a garage. The proposed project will also incorporate Low Impact Design (LID) “rain garden” drainage basin. The Petitioners also state that the proposed buildings will include a white roof, low-flow plumbing fixtures. Based on this information, the Planning Board recommends conditional approval provided the Petitioners:

1. Provide revised Control Plans (Sheets L1.01 to L1.04) to utilize Light Emitting Diode (LED) fixtures for the proposed exterior pole mount fixtures, in addition to the proposed LED wall packs and recessed ceiling fixtures and,
2. Provide a narrative description of proposed interior finishes that support the *Environmental Sustainability* requirement such as energy efficient light fixtures, recycled materials, low-VOC adhesives and paints, and low-E glazing.

The Board also recommended that as part of this approval the Petitioners shall have an energy assessment completed to determine the viability of a rooftop or canopy photovoltaic system. Also, to minimize the impact of the project and to better differentiate the areas open to driving from the pedestrian environment also used for deliveries, etc, the drive which wraps around the property should be clearly delineated and use pervious materials for the pedestrian area of the drive.

8. Screening: *“Screening, such as screen plantings, shall be provided for exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures in order to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.”*

Conditionally Met: The *Landscaping Plan* (Sheet L1.00) shows the location of three (3) service transformers. They are to be placed to the rear of the proposed parking garage, on a landscaped island opposite the proposed LID drainage basin. Sheet A-105.E, *5th Floor – Roof Plan, East*, does not indicate any HVAC systems. Loading areas will be below and to the rear of the proposed Retail structure. Sheet C-111, *Site Layout Plan*, shows one large compactor behind the proposed Retail structure, to be partially screened by a fence. . Based on this, conditional approval should be based on the Petitioner revising the Control Documents to indicate the location of HVAC systems with appropriate screening, and adding additional screening around the one trash compactor and all service transformers.

9. Safety: *“With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police, and other emergency personnel and equipment.”*

Met: The Petitioner states that the proposed structures will be built in accordance with all applicable Federal, State, and Local laws and that centralized alarm panels will be located for ease of use by emergency responders.

The drive aisle will be 22 feet wide and allow mountable curbs at the northern corners to accommodate emergency vehicle access around the building. The garage structure is designed to handle the weight of emergency response vehicles.

10. Design: *“Proposed developments shall seek to protect abutting properties from detrimental site characteristics resulting from the proposed use, including but not limited to air and water pollution, noise, odor, heat, flood, dust vibration, lights or visually offensive structures or site features.”*

Conditionally Met: The proposed project includes a series of landscape lighting (Plan set 3/31/14, Sheets L1.01 and L1.03) consisting of six different types of lights. The project includes two types of landscape up lighting (directional lights by FOCUS, called out as LA and LB on Sheet L1.01). These lights are not consistent with the provisions of Section 9.03(10), because they are not fully shielded. As such, they are likely to cause detrimental site characteristics to the abutting properties from light spillover. The remainder of the landscape lighting is either shielded or configured in such a manner so that the lighting will be down directed and full cutoff, and thereby will be consistent with Section 9.03(10) of Watertown’s Zoning Ordinance.

The proposed project includes two types of on-building mounted exterior lights, and two types of pole mounted lights. Of these, the fixtures coded E2 and EF (Sheet L1.02 and L1.04) by GCF – Boston and by LP – GC5022) are not consistent with the provisions of provisions of Section 9.03(10). They are not fully shielded, and therefore, are likely to cause detrimental site characteristics to the abutting properties from light spillover. The other on building and pole mounted light are fully shielded, full cutoff, and down-directed. These exterior lights are therefore consistent with Section 9.03(10) of Watertown’s Zoning Ordinance.

§5.07 Affordable Housing Requirements

In the Industrial District, a mixed-use project that creates more than 15 dwelling units is subject to the §5.07 of the WZO, Affordable Housing Requirements, the purpose of which is to “*provide opportunities for conventional residential and mixed-use development to contribute to increasing the supply of affordable housing.*” The proposed project will provide rental housing units.

Ten percent (10%) of the 296 dwelling units must be affordable. Thirty (30)¹ affordable units (four of which will be accessible) will be provided onsite, which satisfies this requirement. Consistent with the market rate units, the affordable units would be offered for rent. The rents of the affordable units would be no higher than the maximum rent affordable to a household with an income at or below 80% of the area median income (AMI) adjusted for household size.

Because the Petitioners will have onsite affordable rentals [§5.07(j)(4)] the Petitioner is required to prepare and file a Local Action Unit application under the State’s Local Initiative Program and comply with all the requirements of the State Department of Housing and Community Development in order for the affordable units to be included on the State’s Subsidized Housing Inventory, which includes the development of a regulatory agreement, an affirmative marketing plan, and all required monitoring and reporting requirements.

In addition to review by Planning Staff, the project was reviewed by the Watertown Housing Partnership (WHP) at the March 25, 2014 meeting. In accordance with §5.07(j), the WHP made recommendations to the Petitioner in reference to the proposed project’s fulfillment of the affordable housing requirements.

1. Affordable units shall be proportionately distributed throughout the building in a covered development.

Met. The locations of the affordable units for the initial lease ups are evenly distributed throughout the buildings, however, per DHCD’s Local Initiative Program requirements that affordable units be “floating”, all comparable units would be made available in the event that the originally designated affordable units are not available for subsequent lease ups.

2. Affordable units shall be indistinguishable from market-rate units in exterior building materials and finishes; overall construction quality; and energy efficiency, including mechanical equipment and plumbing, insulation, windows, and heating and cooling systems, as determined by the Building Inspector.

Met. The Petitioner has indicated that the affordable units will be built to the same specifications as the market rate units regarding exterior building materials and finishes; overall construction quality; and energy efficiency, including mechanical equipment and plumbing, insulation, windows, and heating and cooling systems.

3. Affordable units may differ from market-rate units in type of appliances, finishes; however, the affordable units shall be comparable to the base market-rate units in such instances.

Met. The Petitioner has indicated that the appliances and finishes of the affordable units will not differ from the market-rate units.

¹ Any calculation of required affordable housing units that result in the fractional or decimal equivalent of one-half or above shall be increased to the next highest whole number.

4. Affordable units shall have the same gross floor area as the average market-rate unit within a margin of 20%; provided, a one bedroom affordable unit shall be not less than 800 s.f.; a two-bedroom not less than 1,000 s.f.; and a three-bedroom unit not less than 1,350 s.f.. The bedroom mix in the affordable units shall be proportionate to the market-rate units, unless the SPGA authorizes a different mix by special permit upon the recommendation of the WHP.

Met. Considering the entire project, 199 units will have one bedroom (20 affordable), 91 units will have two bedrooms (nine affordable), and six will have three bedrooms (one affordable). The 20 affordable one-bedroom units will be offered in three sizes: 803, 805 and 812 square feet, respectively, all of which meets the minimum size requirement of not less than 800 square feet. The 9 affordable two-bedroom units will also be offered in three sizes: 1,111, 1,120, and 1,160 square feet, respectively. These three proposed unit sizes meet the minimum size requirement of - 1,000 square feet. The one affordable three-bedroom unit will be 1,538 square feet, which also meets the WZO minimum size requirement of 1,350 square feet.

§5.07(j)(4) also states that “affordable units shall have the same gross floor area as the average market-rate unit within a margin of 20%.” According to a table provided by the Petitioner as part of the Control Documents (Sheet A-004) which shows the proposed unit type and size mix, the one, two and three bedroom affordable units are within the stipulated marginal size differential. The three bedroom affordable unit is the same size as the market rate unit. Moreover, the one and two bedroom affordable units only vary from the equivalent market rate units by 3.5% and 8.3% respectively.

V. PLANNING BOARD RECOMMENDATION:

The Planning Board, in the course of the public hearings held on April 9, 2014, May 8, 2014 and June 11, 2014, provided the following areas of potential concern:

- Consider further façade treatments, including use of brick, to further break up the massing and length of the Eastern façade along the former Doble property line
- Consider moving the Eastern loading area for the proposed retail into the garage
- Consider inclusion of a speed bump or other traffic calming device along the Eastern façade

The Planning Board recommends to the Zoning Board of Appeals that two Special Permits with Site Plan Review be granted with conditions.

VI. ZONING BOARD OF APPEALS:

The Zoning Board of Appeals met on June 25, 2014 heard the petitioners and the public comments on the proposed project and voted to continue the project to a date certain of July 16, 2014 for the petitioner to provide additional information on the following concerns:

- Show existing easements, including Pirolli site
- Provide information on existing conditions/easements/AUL
- Drawing of garage wall detail showing green screen on exposed wall
- Additional alternatives to what was presented to break up the east façade
- Complete list of traffic mitigation proposed with timetable for completion
- Ensure that truck turning radius on WS private way/loading area works
- Copy of Subdivision/ANR Plan
- Snow storage (develop plan or show on drawing).

On July 16, 2014, the Board again heard the petitioner's request; reviewed the additional submitted information, listened to the public in support of the project and requesting additional consideration for future development cohesiveness; changes to proposed conditions including the Transportation Management Association (TMA) involvement; prior approvals of ZBA decisions voided; notice of activity and use limitation (AUL) be specifically modified to provide for multi-family housing; adding brick to match the easterly end-cap; specific wording to allow public access to the rain garden area; rain garden redesign to meet Stormwater (visible bio-retention/infiltration) requirements and provide more usable open space; and voting for two separate decisions: (a) Mixed use/residential for Hanover and (b) 33,157 s.f. commercial for Cresset.

Based on the finding that the proposed project meets the criteria set forth under §9.03, §9.05, §9.07, & §9.08 and with the general purpose of the Ordinance outlined in §1.00 of the WZO, the Zoning Board of Appeals voted 5-0 for project (b) Special Permit with Site Plan Review under §5.01(1)(k)(2), Mixed Use Development and §5.01(3)(f)(2) Retail be granted with conditions. See companion decision and vote for project (a).

VII. CONDITIONS:

The following conditions must be adhered to for the granting of this project:

#	Condition	Timeframe for Compliance	To be verified by
1.	Control Documents. ZBA-2014-12b - Retail Component – shall require approval and construction of ZBA-2014-12 a - Residential Mixed-Use Component. This approval is based upon the application materials and the Control Documents titled <i>“Arsenal Street Mixed Use Development – Watertown, MA”</i> for the Hanover Company and Cresset W/S Venture LLC, Special Permit Set dated June 25, 2014 submitted by the Petitioner, as modified by these conditions: <ol style="list-style-type: none">1. A-000 Cover2. A-001 Drawing List3. C-101 Existing Conditions Plan4. C-111 Site Layout Plan5. C-112 Fire Truck Through6. C-121 Grading & Drainage Plan7. C-131 Utility Plan8. C-141 Erosion & Sedimentation Control Plan9. C-151 Proposed Lotting Plan10. C-160 Existing Easement Plan11. C-161 Easement Plan12. C-501 Detail Sheet13. C-502 Detail Sheet14. C-503 Detail Sheet15. C-504 Detail Sheet16. L1-00 Landscape Site Plan17. L1-01 Landscape Electrical Site Plan18. L1-02 Exterior Building Electrical Site Plan19. L1-03 Exterior Lighting Specifications20. L1-04 Exterior Building Exterior Lighting Specifications21. Site Plan Rendering (3 pages)	Perpetual	ZEO/ ISD

#	Condition	Timeframe for Compliance	To be verified by
	<ul style="list-style-type: none"> 22. A-003 Unit Mix 23. A-004 Affordable Unit Mix 24. A-100-1 Enlarged Parking Plan 25. A-100 Parking Circulation Diagram 26. A-101 First Floor Plan – Overall 27. A-101-E First Floor Plan – East (note final includes location of affordable units) 28. A-101-W First Floor Plan – West 29. A-102 Second Floor Plan – Overall 30. A-102-E Second Floor Plan – East (note final includes location of affordable units) 31. A-102-W Second Floor Plan – West 32. A-103-E Third Floor Plan – East (note final includes location of affordable units) 33. A-104-E Fourth Floor Plan – East (note final includes location of affordable units) 34. A-105-E Fifth Floor Plan – East 35. A-200 WS Retail Exterior Elevations 36. A-201 Overall Exterior Elevations (note Conceptual East Façade update, 7/22/2014) 37. A-202 Exterior Elevations – South Elevations: Clubhouse, Retail, Residential 38. A-203 Exterior Elevations – Entry Courtyard, East Elevation 39. A-204 Exterior Elevations – Northeast Elevation; East Elevation (2 views) (note Conceptual East Façade update, 7/22/2014) 40. A-205 Exterior Elevations – West Elevation/Garage; West; Northeast Elevation 41. A-600 Typical Unit Plans 42. Subdivision Plan (1 of 2 & 2 of 2) Plan of Land 58 Irving Street, 204 Rear Arsenal Street, and a Portion of 56 Irving Street Dated 10/23/2013 – Stamped Received July 10, 2014 43. L1.SP Landscape Snow Storage Plan Dated 6/25/14 – Stamped Received July 10, 2014 44. West Garage Elevation – Green Screen – Page 51 not dated by Cube 3 Studio and stamped July 10, 2014 45. Conceptual Improvements Plan, Sheet 1 of 1, by Ron Muller & Associates (<i>Transportation improvements on Arsenal Street</i>) To be updated with Peer Review recommendations 46. Project Specific Trip Generation and LOS Analysis to be submitted within two weeks of approval 		
2.	<p>Applicability. These ZBA Approval Conditions are intended to apply to both the (12a) Residential Mixed Use Component and the (12b) Retail Component. Notwithstanding the foregoing, (i) no condition is intended to be duplicated (e.g. - met or performed twice by both Petitioners), (ii) where it is clear that a condition is directly and entirely applicable to one Petitioner and not the other, such condition shall be the sole responsibility of that Petitioner, and (iii) failure by one Petitioner in performing its own obligations in meeting these Conditions shall not impact the other Petitioner.</p> <p>Plan Modifications. Neither the Petitioners nor any present or future owner of any interest in the project shall change or modify either the Control Documents referenced in this decision, or the project itself, without first filing a formal request with the DCDP Director, Zoning Enforcement Officer, and Building Inspector, for an opinion as to whether or not such change or modification requires further review from the Special Permit Granting Authority. Minor modifications including changes to floor plans that do not change the number of bedrooms may be considered and approved by the DCDP Director that are found to be consistent with the project approval granted by the Special Permit Granting Authority.</p>	CO	ZEO/ ISD

#	Condition	Timeframe for Compliance	To be verified by
3.	Recordation. Upon application for a Building Permit, the Petitioners shall provide evidence to the Zoning Enforcement Officer that this entire decision has been filed with the Registry of Deeds, and/or Land Court.	BP	ZEO
4.	Codes/Regulation Compliance. The Petitioners shall comply with all other applicable local, state, and federal requirements, ordinances, and statutes.	CO	ZEO/ ISD
5.	Certificate of Occupancy/Final Inspection. A copy of the Building Permit with final approval signatures from all relevant inspectors must be submitted to the Zoning Enforcement Officer upon completion of the project.	CO	ZEO
6.	As-Built(s). The Petitioners shall submit a certified "as-built" foundation plot plan showing all dimensional setbacks at the time of foundation inspection.	CO	ZEO/ ISD
7.	Demolition. The Petitioners shall: <ol style="list-style-type: none"> 1. Provide a plan for the control and mitigation of accumulation of standing water for the prevention of vector borne diseases to the Health Department (Nuisance Control Regulation Section 3F.) 2. Provide a plan for the control and mitigation of on-site noise, odors, dust, asbestos, and rodent abatement to the Health Department. 3. Submit a plan for vehicle parking during construction. 	Prior to Demo Permit	Health and/or Police
8.	Signage. No signs shall be permitted except those that meet the signage requirements in Article 7 of the WZO, and those shall be subject to a separate review and permit process.	Perpetual	Planning
9.	Permit Expiration. In accordance with WZO §9.13, a Special Permit granted under §9.04 shall lapse one year from the date of grant thereof if substantial use thereof has not sooner commenced except for good cause, or, in the case of a permit for construction, if the construction has not begun by such date except for good cause, or as allowed by applicable State or Federal law.	Perpetual	ZEO
10.	Affordable Housing. The Petitioners shall prepare and submit a Local Action Unit application to the State's Local Initiative Program and shall comply with all the requirements of the Massachusetts Department of Housing & Community Development in order for the required thirty (30) affordable units to be included on the State's Subsidized Housing Inventory.	BP	Planning
11.	Stormwater. DPW review and final approval of the stormwater design is required prior to Building Permit. All drainage and stormwater facilities located onsite shall be maintained to DPW standards and the Operation and Maintenance Plan.	BP	ZEO
12.	Transportation/ROW Improvements. <ol style="list-style-type: none"> 1. Participate in the formation of and participation in a Transportation Management Association, which would include shuttle service serving the corridor, including financial contributions in a proportionate share. 2. Include recommendations as outlined in WorldTech Peer Review dated, April 18, 2014 as listed by traffic mitigation schedule attached at the end of this decision and as approved by DCDP Director and DPW. Final design details of the road improvements shall be reviewed and approved by DPW and DCDP Director. 3. The Petitioner shall undertake a traffic counting program at twelve (12) months after full (>95%) Occupancy of the Residential Component and when all retail and restaurant uses are fully occupied and operational. The counting shall be conducted at the Site's curb cuts on Arsenal Street. Said monitoring shall consist of Vehicle Trip Counts and Turning Movement Counts from 7AM to 8PM on a Thursday and from 7AM to 3PM on a Saturday. <p>At the completion of the traffic monitoring the Petitioner shall prepare a traffic memo that compares the actual counts derived from the monitoring with the projections of the project. (Trip Generation and LOS Analysis as</p>	<ol style="list-style-type: none"> 1. Perpetual 2. CO 3. 12-months 4. Perpetual 5. At time of approval of closure 	DCDP/ZEO

#	Condition	Timeframe for Compliance	To be verified by
	<p>listed within the Control Documents). Figures shall clearly depict the AM, PM and Saturday vehicle distribution at each of the curb cuts.</p> <p>If the results of the monitoring reports contain traffic counts significantly different than the projected AM, PM or Saturday peak hour vehicle trips represented in the Control Documents or the distribution patterns are significantly different, then the ZBA and/or DCDP Director reserves the right to require the Applicant to conduct additional analysis. Should the analysis identify adverse operational issues that can be directly linked to the proposed project, the SPGA/Director may require additional traffic mitigation measures either on-site or off-site.</p> <p>If the Department Director is of the opinion that an independent peer review of any of the traffic monitoring reports required in this Decision is necessary the Applicant shall fund said assistance to the Town, with the cost not to exceed \$10,000.00.</p> <ol style="list-style-type: none"> 4. The western access/private way shall not be used for heavy industrial uses or for the current use of the property known as 56 Irving Street. 5. If the Town approves a closure of Beacon Park access to Arsenal Street within one (1) year of issuance of the Building Permit, the Petitioners agree to design and install the necessary components/infrastructure to close Beacon Park at the intersection with Arsenal Street. Such closure components shall be designed to maximize LID features. 		
13.	<p>Energy Assessment. The project will have an energy assessment completed to determine the viability of a rooftop photovoltaic system. The petitioner shall indicate, in writing, what actions/outcomes will be taken with a copy of the assessment, to DCDP.</p>	BP	ZEO/DCDP
14.	<p>Loading. Consider options for locating the eastern loading area to a location within the garage, with potential modification to be reviewed and approved by DCDP.</p>	BP	DCDP
15.	<p>Landscaping and Site Plan.</p> <ol style="list-style-type: none"> 1. Install sidewalk, granite curbing, and street trees, where appropriate, along the property frontages on Arsenal Street per DPW and/or the Tree Warden's requirements and approval process. 2. Ensure the driveway at the corners to the north of the site allow mountable curbing (sloped granite) where necessary for emergency access. 3. Provide a pedestrian accommodation along the Western private road, where the connection shall follow the emergency egress easement into and through the Eastern mixed-use component. 4. Clearly delineate the combined drive and pedestrian walkway that wraps around the property. Areas of the pedestrian walkway shall be constructed with a pervious material and the drive lane with regular asphalt. The use of pervious material is conditional, subject to review of DCDP staff and certification by the Licensed Site Professional that no adverse environmental conditions will be created or worsened as a result of the use of pervious material in an area subject to an Activity and Use Limitation (L.C .Document No. 1461307 and Book 50503, Page 549). 5. Provide DCDP a signage program for site wayfinding. 6. Provide wayfinding signage for site access - including through access signs at Birch Road and from the potential access points around the rain garden. 7. Provide a minimum of one pedestrian connection through the passive park/rain garden in the northwest section of the site (there are up to two connections identified through adjacent properties to Franklin Street and to 	BP/Perpetual	DCDP

#	Condition	Timeframe for Compliance	To be verified by
	<p>Washburn Street) with five (5) foot minimum path width, open to the public, subject to reaching an agreement with necessary abutter(s).</p> <ol style="list-style-type: none"> 8. Provide all necessary easements for on-site sidewalks/pedestrian/bicycle access, utilities, and public safety. 9. Provide alternate exterior light fixtures for those coded E2 and EF on Sheets L1.02 and L1.04 of the Control Plans. 10. Provide updated Control Documents that shall include the location and screening of HVAC equipment/systems, including any rooftop equipment where necessary. 11. Provide updated Control Documents that shall provide additional screening around all service transformers. 12. The visible areas of the garage shall have a green screen (living wall) along the area of the façade visible from other properties subject to open air calculations/requirements, as determined by the Building Inspector, with review and approval of the design and landscaping by DCDP staff,. 13. Landscape Plans shall be subject to review and approval by Watertown's Tree Warden/Conservation Agent and DCDP Staff for species appropriateness, mix, size, quantity, and spacing. 14. All exterior lighting for the site shall be fully shielded and full cutoff. 15. All exterior lighting for the site shall be subject to a final review and approval by the Building Inspector and DCDP Staff prior to issuance of a Building Permit. 16. Petitioner has agreed to provide vegetated screening on/in the rear yards of certain residential properties facing Arsenal Street between Beechwood and the western loop of Beacon Park to mitigate specific line of site impacts (e.g. vehicle headlights). Such screening is limited to the installation of up to twenty (20) trees. 		
16.	<p>Bicycle Parking.</p> <ol style="list-style-type: none"> 1. In addition to racks identified on the plans, provide an option for securable hanging spaces in front of residential parking spaces within the garage. 2. The Petitioners shall provide updated Control Plans that show the required number of interior and exterior bicycle parking spaces (at least 42) prior to issuance of a Building Permit in locations approved by DCDP Staff. Of the amount required, at least 50% of the spaces shall be interior spaces in a secured bicycle room(s). 3. The Petitioners shall provide the specifications for the bicycle parking as required by §607(a)(2) or provide ring and post prior to issuance of a Building Permit. 	BP	ZEO
17.	<p>Refuse.</p> <ul style="list-style-type: none"> • Provide updated Control Documents, which show all trash/refuse containers for the mixed-use and Retail components prior to issuance of a Building Permit. • Provide a narrative that describes the method of solid waste disposal and recycling from all proposed buildings, including the residential component. • Provide updated Control Plans which show additional screening around trash compactors. • All trash and recycling shall be collected by a private waste management company between 7 AM and 7 PM. 	BP/Perpetual	ZEO

#	Condition	Timeframe for Compliance	To be verified by
18.	Community Path. The Petitioners have agreed to provide appropriate improvements to accommodate the Community Path the distance of the property frontage on Arsenal Street with review and approval by DCDP and DPW. The Petitioners have also agreed to continue the path and connect it to the existing path at 314 Arsenal Street. Further, if a path is not built on adjacent property to the west as part of the current proposal, the Petitioners will provide improvements within the Arsenal Street ROW from the western private way to Irving Street.	BP	DCDP
19.	Prior Approvals. All previous approvals and conditions of special permits and variances shall be nullified as part of this approval and more specifically, conditions and approvals of Case #s ZBA 90-91-5 SP, 94-3 ASP, 94-49 SP&SPF, 95-3 ASP, 03-32 VAR & SP, and 05-37 ASP & AVAR are null.	Perpetual	DCDP
20.	Activity & Use Limitation. Prior to the issuance of a CO, provide proof that the AUL has been modified to specifically allow multi-family housing. (L.C .Document No. 1461307 and Book 50503, Page 549)	CO	ZEO
21.	Open Space/Rain Garden. The northwestern rain garden area shall be redesigned to allow more open space to be used while allowing bioretention to the greatest extent practicable. Plans shall be reviewed and approved by DCDP. Site stormwater shall continue to meet or exceed the required volume of infiltration per the DEP Stormwater Standards as outlined in the Drainage Calculations. The revised Drainage Design shall be reviewed and approved by DCDP.	BP	ZEO/DCDP

By the Zoning Board of Appeals:

Melissa M. Santucci Rozzi, Chair
David Ferris, Clerk
Christopher H. Heep, Member
John G. Gannon, Member
Kelly Donato, Member
Neeraj Chander, Alternate

Attest, by the Clerk to the Zoning Board of Appeals:

Louise A. Civetti

THE COMMONWEALTH OF MASSACHUSETTS
Certificate of Granting
Massachusetts General Laws Chapter 40A, Section 11

The Zoning Board of Appeals calls to the attention of the owner or petitioner of the above referenced decision, that MGL c. 40A, sec. 11 (last paragraph) provides that no Variance, Special Permit, Special Permit Finding or any Extension, Modification or Renewal thereof, shall take effect until a copy of this decision bearing the Certification of the Town Clerk that twenty days have elapsed since the filing of said decision and no appeal has been filed or that if such appeal has been filed that it has been dismissed or denied, is recorded in the Registry of Deeds for the County and District in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Twenty days have elapsed since the filing of said decision and no appeal has been filed or that if such appeal has been filed that it has been dismissed or denied:

Attest, by the Town Clerk: _____ **Date:** _____

Received and entered with the Register of Deeds in the County of Southern Middlesex.

Attest, Register of Deeds: _____ **Book** _____ **Page** _____

This Decision to be recorded by the Land Owner.
The owner or petitioner shall pay the fee for such recording or registering.